

Senate Joint Resolution No. 2

Adopted in Senate May 21, 2007

Secretary of the Senate

Adopted in Assembly August 30, 2007

Chief Clerk of the Assembly

This resolution was received by the Secretary of State this
_____ day of _____, 2007, at _____ o'clock ____M.

Deputy Secretary of State

RESOLUTION CHAPTER _____

Senate Joint Resolution No. 2—Relative to forest resources.

LEGISLATIVE COUNSEL'S DIGEST

SJR 2, Migden. Forest resources: Headwaters Forest.

This measure would declare that the Legislature and the state are committed to ensuring that the provisions of the agreement between the state and federal governments, and Pacific Lumber Company, and MAXXAM, Incorporated, consistent with state law, remain in effect for the protection of the Headwaters Forest, as well as residual stands of old growth redwoods, and fish and wildlife habitat on adjacent lands.

WHEREAS, In 1998, the California Legislature adopted Assembly Bill 1986, which was signed into law by Governor Pete Wilson as Chapter 615 of the Statutes of 1998; and

WHEREAS, Through this legislation, state taxpayers provided California's \$230 million contribution toward the \$480 million acquisition cost of approximately 7,500 acres of land within and adjacent to the Headwaters Forest from Pacific Lumber Company; and

WHEREAS, An agreement was entered into between certain state agencies, the federal government, Pacific Lumber Company, and MAXXAM, Incorporated; and

WHEREAS, The agreement made the acquisition of the Headwaters Forest contingent on the adoption of a specified habitat conservation plan (HCP) and issuance of a multispecies incidental take permit by the federal government for approximately 210,000 acres of forest land that Pacific Lumber Company retained; and

WHEREAS, Assembly Bill 1986 made the state's \$230 million payment also contingent on additional logging restrictions to protect residual old growth forest stands and other lands adjacent to fish-bearing streams that provide habitat to endangered salmon species; and

WHEREAS, These special logging restrictions were subsequently incorporated into a state contract that the Wildlife Conservation Board entered into with Pacific Lumber Company

and MAXXAM, Inc., as a condition of the state's \$230 million payment for the Headwaters Forest; and

WHEREAS, The state contract required Pacific Lumber Company to record real estate covenants on its lands to provide an absolute 50-year prohibition on logging within 12 residual groves of old growth redwood forest consisting of the Elk Head Residual, Cooper Mill, Allen Creek, Allen Creek Extension, Road 3, Owl Creek, Shaw Gift, Right Road 9, Road 7 and 9 North, Booth's Run, Bell Lawrence, and Lower North Fork Elk, known as the "Lesser Cathedrals" and entailing 6,700 acres, and similar logging restrictions adjacent to all fish-bearing and perennial streams on the property to protect salmon habitat; and

WHEREAS, The Pacific Lumber Company, in January 2007, declared bankruptcy and may be seeking waivers from state and federal agencies from the logging restrictions required by the HCP, Assembly Bill 1986, and state contract; and

WHEREAS, The Headwaters Forest and Lesser Cathedral groves represent some of the largest intact stands of ancient redwoods left in the world; and

WHEREAS, Safeguarding all elements of the agreement, consistent with state law, is essential for continued survival of the remnant ancient redwood forest ecosystem, as well as the fish and wildlife species dependent on it for their survival; and

WHEREAS, It is the priority and duty of the state to protect our environment and to preserve California's natural beauty for future generations; and

WHEREAS, The current bankruptcy proceedings may seek to extinguish the logging restrictions on Pacific Lumber Company's forest land required by the purchase agreement; now, therefore, be it;

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature and the State of California is committed to ensuring that all provisions of the agreement, consistent with state law, remain in effect to protect the \$480 million investment that state and federal taxpayers have made for the protection of the Headwaters Forest, as well as other residual stands of old growth redwoods, and fish and wildlife habitat on adjacent lands; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.

Attest:

Secretary of State